

INTERNATIONAL SEARCH REPORT

Inter application No
PCT/US2004/025150

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 H04Q7/38 H04Q7/22 H04L12/56		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) IPC 7 H04Q H04L		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal, WPI Data, PAJ		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/082029 A1 (AHMAD AZEEM ET AL) 27 June 2002 (2002-06-27) abstract paragraphs '0009! - '0013!, '0023!, '0024!, '0027! - '0029! paragraphs '0034! - '0039!, '0042!, '0045! - '0048!, '0053! - '0055! figure 3 ----- -/--	1-33
<input checked="" type="checkbox"/> Further documents are listed in the continuation of box C. <input checked="" type="checkbox"/> Patent family members are listed in annex.		
* Special categories of cited documents : <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier document but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> </div> <div style="width: 48%;"> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.</p> <p>"&" document member of the same patent family</p> </div> </div>		
Date of the actual completion of the international search 24 February 2005		Date of mailing of the international search report 04/03/2005
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016		Authorized officer Alonso Maleta, J

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>WO 97/26764 A (NOKIA TELECOMMUNICATIONS OY; KARI, HANNU, H; HUOTARI, SEPPÖ) 24 July 1997 (1997-07-24) abstract page 2, line 19 - page 3, line 13 page 4, line 9 - page 6, line 32 page 8, lines 1-15 page 13, line 11 - page 14, line 18 page 15, lines 5-15 page 17, line 17 - page 19, line 24 -----</p>	1-33
X	<p>EP 0 851 703 A (AT&T WIRELESS SERVICES, INC) 1 July 1998 (1998-07-01) abstract column 2, lines 25-44 column 3, line 23 - column 4, line 12 -----</p>	1-33

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Information on patent family members

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Patent document cited in search report		Publication date		Patent family member(s)		Publication date
US 2002082029	A1	27-06-2002	AU	3053202 A		11-06-2002
			EP	1415494 A2		06-05-2004
			WO	0245443 A2		06-06-2002
<hr/>						
WO 9726764	A	24-07-1997	FI	960211 A		17-07-1997
			AU	1445997 A		11-08-1997
			WO	9726764 A1		24-07-1997
<hr/>						
EP 0851703	A	01-07-1998	US	6230009 B1		08-05-2001
			BR	9706410 A		06-04-1999
			CA	2221854 A1		27-06-1998
			EP	0851703 A2		01-07-1998
			JP	10257187 A		25-09-1998
			NO	975936 A		29-06-1998
			US	2003013442 A1		16-01-2003
			US	2001004593 A1		21-06-2001
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PATENT COOPERATION TREATY

REC'D 02 MAR 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/025150

International filing date (day/month/year)
02.08.2004

Priority date (day/month/year)
18.08.2003

International Patent Classification (IPC) or both national classification and IPC
H04Q7/38, H04Q7/22, H04L12/56

Applicant
QUALCOMM INCORPORATED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/025150

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/025150

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	29-33
	No: Claims	1-28
Inventive step (IS)	Yes: Claims	
	No: Claims	1-33
Industrial applicability (IA)	Yes: Claims	1-33
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1. The following document is referred to in this communication:

D1: US 2002/082029 A1 (AHMAD AZEEM ET AL) 27 June 2002 (2002-06-27)

2. The application does not meet the requirements of Article 6 PCT, because claims 1, 12, 22-24 and 29 are not clear.

- 2.1 Although claims 1, 24 and 29 have been drafted as separate independent method claims and claims 12 and 23 as separate independent apparatus claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

- 2.2 Dependent claim 22 is unclear because it is defined as "the wireless communication device of claim 22". In order to evaluate the requirements of Article 33(1) PCT claim 22 has been considered as dependant on claim 19.

3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-28 is not new in the sense of Article 33(2) PCT.

- 3.1 Using the wording of independent claim 1, document D1, which is regarded as being the closest prior art, discloses (the references in parenthesis applying to this document):

"A method of wireless communications, comprising:
establishing a packet data session from a wireless communications device to support a network connection to a packet-switched network (paragraph 7); and
receiving a notification at the wireless communication device of an incoming call from a circuit-switched network while the network connection is active (paragraph 36)."

Independent claims 12, 23 and 24 (see also paragraph 38 of document D1, wherein the Internet Call-Waiting Server ICDS is considered to be equivalent to the voice message server of claim 24) define the equivalent features in terms of a wireless communication device and method (see also section 2.1 of this communication) to

the corresponding method claim 1.

The subject-matter of independent claims 1, 12, 23 and 24 is therefore not new.

3.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of dependent claims 2-11, 13-22 and 25-28 is already known from document D1:

- for claims 2, 13 and 25: see paragraphs 36 and 38 of document D1
- for claims 3, 14 and 26: see paragraph 39 of document D1. It has been considered that the voice message server of the application is equivalent to the Internet Call-Waiting Server ICDS of document D1
- for claims 4, 5, 15 and 16: it is considered to be implicit in a packet data session as the one established in document D1 (see paragraphs 36 and 38) the use of a session key and a transport control protocol session.
- for claims 6-11, 17-22, 27 and 28: see paragraphs 11, 36 and 39 of document D1

4. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 29-33 does not involve an inventive step in the sense of Article 33(3) PCT.

4.1 The difference between independent claim 29 and 1 is that in the method of claim 29, the communications device is operating in a serving network, which is assigned to a home network. It is known by the skilled person that users, having assigned a home network, can be operating in visitor networks. To apply the method of the wireless communication system disclosed in document D1 to a wireless communications system wherein the communications device is operating in a serving network different from the home network is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill.

4.2 The additional features of dependent claims 30-33 are already known from document D1 (see section 3.2 of this communication).